

IN RE: PETITION FOR VARIANCE
SW/end Merry Hill Court,
165' W of Anton North Way
(1 Merry Hill Court)
3rd Election District
2nd Councilmanic District
William Hirschfeld, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-125-AA
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, William and Loretta Hirschfeld. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling to property line setback of 35 feet in lieu of the required 50 feet and to amend the 3rd Amended Final Development Plan of Anton North, Section II, Lot 15, accordingly, for a proposed dwelling. The relief sought is more particularly described on a site plan of the property and architectural development plan, marked as Petitioner's Exhibits 1 and 3, respectively.

Appearing on behalf of the Petition were William and Loretta Hirschfeld, the legal owners of the subject property, and Jay Brown, the Petitioners' Architect. The Petitioners were represented by Jeffrey H. Scherr, Esquire. Appearing as Protestants in the matter were Deborah Dopkin, Esquire, who appeared on behalf of several residents in the area, and Peter K. Zucker, a nearby property owner, who represented himself.

Testimony and evidence presented indicated that the subject property, known as 1 Merry Hill Court, consists of 4.32 acres, more or less, zoned R.C. 5 and is currently unimproved. The Petitioners are desirous of developing the property with a one-story single family dwelling. Due to the topography of the land and the steep slopes and wetlands on the proper-

ty, the building envelope for the proposed dwelling must be situated close to the rear property line as shown on Petitioner's Exhibit 1. Mr. Scherr proffered that the relief requested was necessary in order to build a home that would be consistent with other homes in this community and meet the needs of the owners. As noted above, the proposed dwelling is largely a one-story dwelling which was designed specifically for the convenience of Mr. Hirschfeld who has had several hip operations.

After hearing the testimony and evidence presented on behalf of the Petitioners, the Protestants agreed not to oppose the variance requested provided that Notes A through C on Petitioner's Exhibit 1 are incorporated herein as restrictions to the relief granted and I shall so Order.

It should be noted that initial comments received from the Department of Environmental Protection and Resource Management (DEPRM), dated October 7, 1993, recommended denial of the variance requested citing various site constraints. In subsequent comments dated December 14, 1993, DEPRM referenced several issues remaining to be addressed by the proposed development, including the location of the proposed dwelling which they believed to be located within the required 30-foot setback from the water well. However, the site plan and architectural site development plan submitted clearly indicate that a 35-foot setback between the proposed dwelling and the water well location will be maintained. However, as a condition to the relief granted herein, the Petitioners shall comply with any and all recommendations made by DEPRM addressing these concerns prior to the issuance of any building/occupancy permits.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of January, 1994 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling to property line setback of 35

feet in lieu of the required 50 feet and to amend the 3rd Amended Final Development Plan of Anton North, Section II, Lot 15, accordingly, for a proposed dwelling in accordance with Petitioner's Exhibits 1 and 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Petitioners shall comply with any and all recommendations made by DEPRM pursuant to their comments dated December 14, 1993, prior to the issuance of any occupancy permits.
- 3) In accordance with Notes A and B on Petitioner's Exhibit 1, the Petitioners shall provide a landscape buffer as close to the limits of the proposed development, clearing, or closer if desired by the owners, and along the southern property line beginning at the eastern edge of the building envelope and ending at the western edge of same, prior to the issuance of any occupancy permits.
- 4) All lighting for the proposed dwelling shall be directed away from any adjoining residential property.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 1/3/94
By JS

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Date 1/3/94
By JS

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Date 1/3/94
By JS

ORDER RECEIVED FOR FILING
Date 1/3/94
By JS

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

January 3, 1994

(410) 887-4386

Jeffrey H. Scherr, Esquire
1 South Street, Suite 2600
Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE
SW/end Merry Hill Court, 165' W of Anton North Way
(1 Merry Hill Court)
3rd Election District - 2nd Councilmanic District
William Hirschfeld, et ux - Petitioners
Case No. 94-125-AA

Dear Mr. Scherr:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. William Hirschfeld
3604 Barbary Court, Baltimore, Md. 21208

Mr. Jay I. Brown, Levin/Brown & Associates
15 Greenspring Valley Road, Owings Mills, Md. 21117

Deborah C. Dopkin, Esquire
502 Washington Avenue, Towson, Md. 21204

Mr. Peter K. Zucker, B Keyser Woods Court, Baltimore, Md. 21208

People's Counsel; File



REVISED 94-125-AA
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1 MERRY HILL COURT
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3 TO PERMIT A DWELLING TO PROPERTY LINE SETBACK OF 35 FT. IN LIEU OF THE REQUIRED 50 FT. AND TO AMEND THE 3RD AMENDED FINAL DEVELOPMENT PLAN OF ANTON NORTH SECTION II FOR LOT 15.

THE LOT IS CONSTRAINED BY WETLANDS, STREAM BUFFER & SLOPE ON THE NORTHERN SIDE OF THE PROPERTY. THESE CONSTRAINTS PREVENT APPROPRIATE ACCESS TO THE SITE, DO NOT ALLOW FOR CORRECT ORIENTATION TO THE STREET AND CAUSE A BUILDING ENVELOPE SMALLER THAN THAT WHICH IS AVAILABLE IN THE REMAINDER OF THE NEIGHBORHOOD.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor

(Type or Print Name)

Signature

Address

City, State, and Zip

(Type or Print Name)

Signature

Address

City, State, and Zip

ORDER RECEIVED FOR FILING
Date 1/3/94
By JS

Legal Owner(s)
WILLIAM HIRSCHFELD
(Type or Print Name)
Signature
LORETTA HIRSCHFELD
(Type or Print Name)
Signature
3604 BARBARY COURT 410 484-4210
BALTIMORE MD 21208
Name, Address and phone number of representative to be contacted

Legal Owner(s)
WILLIAM HIRSCHFELD
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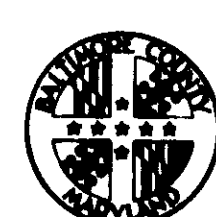
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Name, Address and phone number of representative to be contacted



REVISED 94-125-AA
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 15 MERRY HILL COURT
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3 TO PERMIT A DWELLING TO PROPERTY LINE SETBACK OF 35 FT. IN LIEU OF THE REQUIRED 50 FT. AND TO AMEND THE 3RD AMENDED FINAL DEVELOPMENT PLAN OF ANTON NORTH SECTION II FOR LOT 15.

THE LOT IS CONSTRAINED BY WETLANDS, STREAM BUFFER & SLOPE ON THE NORTHERN SIDE OF THE PROPERTY. THESE CONSTRAINTS PREVENT APPROPRIATE ACCESS TO THE SITE, DO NOT ALLOW FOR CORRECT ORIENTATION TO THE STREET AND CAUSE A BUILDING ENVELOPE SMALLER THAN THAT WHICH IS AVAILABLE IN THE REMAINDER OF THE NEIGHBORHOOD.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

True address:

1 Merry Hill Ct.

Legal Owner(s)
WILLIAM & LORETTA HIRSCHFELD
(Type or Print Name)
Signature
WILLIAM & LORETTA HIRSCHFELD
(Type or Print Name)
Signature
7604 BARBARY COURT 410 484-4210
BALTIMORE MARYLAND 21208
Name, Address and phone number of representative to be contacted

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Name, Address and phone number of representative to be contacted

REVISED 94-125-AA
ZONING DESCRIPTION
RECEIVED NOV. 4 1993

ZONING DESCRIPTION FOR: 1 MERRY HILL COURT
(address)

Election District: 3 Councilmanic District: 2

Beginning at a point on the SOUTH WEST END
(north, south, east or west)

side of MERRY HILL COURT
(street on which property fronts) which is

wide at a distance of 105' ±
(number of feet)

WEST
(north, south, east or west) of the

nearest improved intersecting street ANTON NORTH WAY
(name of street)

Being Lot 15.

in the subdivision of ANTON NORTH (SECTION TWO)
(name of subdivision)

Folio 8, containing 4.32 AC.
(square feet and acres)

ZONING DESCRIPTION

124
94-125-AA

ZONING DESCRIPTION FOR: 15 Merry Hill Court
(address)

Election District: 3 Councilmanic District: 3

Beginning at a point on the west end
(north, south, east or west)

side of Merry Hill Court
(street on which property fronts)

wide at a distance of 165' +/-
(number of feet)

west of the nearest improved
(north, south, east or west)

intersecting street Anton North Way
(name of street)

Being Lot #15 in the subdivision of Anton Woods North
(name of subdivision)

recorded in Baltimore County Plat Book # 57

Folio # 28, containing 4.32 acres
(square feet and acres)

12-3-93

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: 11/14/93
Posted for: William & Loretta Hirschfeld
Petitioner: William & Loretta Hirschfeld
Location of property: 15 Merry Hill Ct. Towson
Location of Sign: 15 Merry Hill Ct. on property line
Remarks: Variance to permit a dwelling to property line setback of 35 feet in lieu of the required 50 feet; and to amend the 3rd Amended Final Development Plan of Anton North, Section II, for Lot 15.
Posted by: Lawrence E. Schmitz
Number of Signs: 1 Date of return: 11/15/93

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: 12/13/93
Posted for: William & Loretta Hirschfeld
Petitioner: William & Loretta Hirschfeld
Location of property: 15 Merry Hill Ct. 165' W of Anton North Way
Location of Sign: 15 Merry Hill Ct. on property line
Remarks: Variance to permit a dwelling to property line setback of 35 feet in lieu of the required 50 feet; and to amend the 3rd Amended Final Development Plan of Anton North, Section II, for Lot 15.
Posted by: Lawrence E. Schmitz
Number of Signs: 1 Date of return: 12/15/93

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/30/93

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/30/93.

THE JEFFERSONIAN,
A. Hirschfeld
LEGAL AD. - TOWSON

NOTES: (1) Hearings on hand-capped advertisements, for special accommodations please call 867-3353.
(2) For information concerning the file and/or hearing, contact this office at 867-3353.
9/30/93 Sept. 30.

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 11/4/93

RECEIVED NOV - 4 1993

Number 124 Item #
CASE # 94-125-AA

REVISED PLANS
PETITION FORMS AND
DESCRIPTIONS. CODE 100 = 50.00

1 SIGN POSTING CODE 080 = 35.00
TOTAL = \$ 85.00

OWNER HIRSHFELD
LOC: 1 MERRY HILL COURT

Please Make Checks Payable To Baltimore County

Cashier Validation

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 9/16/93

94-125-AA

Number 124
JL

CODES 010 (XES VAR) 50.00
030 (1) SPH (AMENDMENT FEE) 50.00
080 (1) SIGN POSTING 35.00
TOTAL = 135.00

OWNER HIRSHFELD
LOC. 15 MERRY HILL CT.

Please Make Checks Payable To Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 867-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JARLOW, DIRECTOR

For newspaper advertising:

Item No.: 124

Petitioner: WILLIAM & LORETTA HIRSHFELD

Location: 15 MERRY HILL COURT

PLEASE FORWARD ADVERTISING BILL TO:

NAME: LEVIN/BROWN ARCHITECTS INC.

ADDRESS: 15 CLEANSRING VALLEY ROAD

OWINGS MILLS MD 21117

PHONE NUMBER: 410 581-0104

AJ:ggg

(Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY
September 30, 1993 Issue - Jeffersonian

Please forward billing to:

Levin/Brown Architects
15 Greenspring Valley Road
Owings Mills, Maryland 21117
410-581-0104

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-125-AA (Item 124)

15 Merry Hill Court
56' and Merry Hill Court, 165' W of Anton North Way
3rd Election District - 2nd Councilmanic
Petitioner(s): William Hirschfeld and Loretta Hirschfeld
HEARING: TUESDAY, NOVEMBER 2, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit a dwelling to property line setback of 35 feet in lieu of the required 50 feet; and to amend the 3rd Amended Final Development Plan of Anton North, Section II, for Lot 15.

LAWRENCE E. SCHMITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3353.

111 West Chesapeake Avenue
Towson, MD 21204

SEP. 23 1993

(410) 867-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

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56' and Merry Hill Court, 165' W of Anton North Way
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Variance to permit a dwelling to property line setback of 35 feet in lieu of the required 50 feet; and to amend the 3rd Amended Final Development Plan of Anton North, Section II, for Lot 15.

Arnold Jarlow
Director

cc: William and Loretta Hirschfeld
Levin/Brown Architects

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(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3353.

Printed with Recycled Ink
on Recycled Paper

111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

October 12, 1993

Mr. and Mrs. William Hirschfeld
4604 Barbary Court
Baltimore, Maryland 21208

RE: Case No. 94-125-AA, Item No. 124
Petitioner: William Hirschfeld, et ux
Petition for Variance

Dear Mr. and Mrs. Hirschfeld:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 16, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petition filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BALTO. CO.
Item No: 124 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202



Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 124
CASE NO. 94-125-AA

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for David H. Kaitera, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 30, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 97, 106, 117, 118, 120, 124, 126, 127 and 128.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL:lw

ZAC.97/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

October 7, 1993

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #124 - Hirshfeld Property (Anton North Sec. 2) Lot 15
15 Merry Hill Court
Zoning Advisory Committee Meeting of September 27, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

1. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, however, the granting of this variance will not impact any natural resources.
2. There is a stream and associated wetland on this lot which had not been shown on prior development plans. This stream and wetland must be field delineated and shown on all future development plans for this lot.
3. An alternatives analysis must be submitted if the proposed driveway cannot be installed outside the area of this stream, the adjacent wetland, and the associated stream buffer which must be applied.

Please see attached letter dated May 27, 1993 from this Department to Levin/Brown & Associates, Inc.

Groundwater Management

The Proposed variance to reduce the property line setback to 35 feet in lieu of 50 feet would move the potential house location within the required 30 feet setback of the water well location. This is in violation of standards set forth in Code of Maryland Regulations (COMAR) 26.04.04.05.

Therefore, we recommend disapproval of the variance request.

JLP:GCS:TE:sp

HIRSHF/DEPRM/TXTSBP

FILE COPY

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

May 27, 1993

(410) 887-3733

Mr. Taiwo Iluyomade
Levin/Brown & Associates, Inc.
17 Warren Road
Suite 7B
Baltimore, Maryland 21208-5000

Re: Lot 15 Anton North Section 2

Dear Mr. Iluyomade:

Staff from Environmental Impact Review of this Department conducted a site inspection of the above-referenced property on April 1 and May 19, 1993.

This revealed the presence of the following environmental resources. There are three unnamed, Use III tributaries to Jones Falls. The one tributary, which originates on the southeast portion of the property, has a small non-tidal wetland area associated with it. This tributary is possibly intermittent and was unrecorded on the original Final Development Plan for the Anton North Section II Subdivision.

Any construction on this lot must be restricted to the established building envelope originally shown on the Final Development Plan.

An alternatives analysis is required to be submitted to this Department for review and approval for the installation of the proposed driveway crossing of this previously unshown stream and associated wetland area. State and Federal permits will also be required for the driveway construction. If you have any questions regarding this correspondence, please contact Mr. Glenn C. Spamer at 887-3980.

Very truly yours,

Steven L. Stewart
Program Supervisor
Environmental Impact Review

SLS:GCS:tmm

cc: Mr. Paul Dennis

ANTON/EIR

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

SEPTEMBER 28, 1993

(410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

ZONING AGENDA - MEETING OF SEPTEMBER 27, 1993

RE: Property Owner: Clarence Cox
Location: #2929 Eastern Boulevard
Item No.: #113 (MJK)
No Comments.

RE: Property Owner: Jacqueline Lois LeConte
Location: #3 St. Timothy's Lane
Item No.: #118 (RT)
1. Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
Sprinklers shall be installed in accordance with MD State Code, State Bill #658.

RE: Property Owner: Eva M. Nolan & Nicholas J. Nolan
Location: #4342 Penn Avenue
Item No.: #119 (RT)
No Comments.

RE: Property Owner: Dorothy M. Beaman
Location: #1402 Edmondson Avenue
Item No.: #120 (JCM)
No Comments.

RE: Property Owner: Melvin Gladney and Parmie Gladney
Location: #6734 Dogwood Road
Item No.: #121 (JCM)
No Comments.

RE: Property Owner: Sandra Andrejak
Location: NE/S Stemmers Run Road & #613 (Norris Lane - Kenwood's)
Item No.: #122 (MCR) & #123 (MCR)
No Comments.

RE: Property Owner: William Hirshfeld and Loretta Hirshfeld
Location: #15 Merry Hill Court
Item No.: #124 (JLL)
No Comments.

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

December 14, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #124 - Revised
Hirshfeld Property (Anton North Section 2) Lot 15
15 Merry Hill Court
Zoning Advisory Committee Meeting of November 15, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

All comments dated 10/7/93 to Arnold Jablon still apply to this project, (copy attached).

Environmental Impact Review - Additional Comments

A 50 foot buffer is now being shown on the west side of the previously unshown stream and wetland. Buffer must be extended around entire stream and wetland area.

Nothing is being shown in regard to where the driveway would be placed off Merry Hill Court to provide access to this property.

No alternatives analysis has been provided.

We have not received any notification that the wetlands have been field delineated.

JLP:GCS:TE:sp

HIRSHFEL/DEPRM/TXTSBP

RECEIVED
DEC 15 1993
ZADM

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

October 7, 1993

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #124 - Hirshfeld Property (Anton North Sec. 2) Lot 15
15 Merry Hill Court
Zoning Advisory Committee Meeting of September 27, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

1. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, however, the granting of this variance will not impact any natural resources.
2. There is a stream and associated wetland on this lot which had not been shown on prior development plans. This stream and wetland must be field delineated and shown on all future development plans for this lot.
3. An alternatives analysis must be submitted if the proposed driveway cannot be installed outside the area of this stream, the adjacent wetland, and the associated stream buffer which must be applied.

Please see attached letter dated May 27, 1993 from this Department to Levin/Brown & Associates, Inc.

Groundwater Management

The Proposed variance to reduce the property line setback to 35 feet in lieu of 50 feet would move the potential house location within the required 30 feet setback of the water well location. This is in violation of standards set forth in Code of Maryland Regulations (COMAR) 26.04.04.05.

Therefore, we recommend disapproval of the variance request.

JLP:GCS:TE:sp

HIRSHF/DEPRM/TXTSBP

FILE 0077

Mr. Taiwo Iluyomade
Levin/Brown & Associates, Inc.
17 Warren Road
Suite 78
Baltimore, Maryland 21208-5000

Re: Lot 15 Anton North Section 2

Dear Mr. Iluyomade:

Staff from Environmental Impact Review of this Department conducted a site inspection of the above-referenced property on April 1 and May 19, 1993.

This revealed the presence of the following environmental resources. There are three unnamed, use III tributaries to Jones Falls. The one tributary, which originates on the southeast portion of the property, has a small non-tidal wetland area associated with it. This tributary is possibly intermittent and was unrecorded on the original Final Development Plan for the Anton North Section 11 Subdivision.

Any construction on this lot must be restricted to the established building envelope originally shown on the Final Development Plan.

An alternatives analysis is required to be submitted to this Department for review and approval for the installation of the proposed driveway crossing of this previously unshown stream and associated wetland area. State and Federal permits will also be required for the driveway construction. If you have any questions regarding this correspondence, please contact Mr. Glenn C. Spamer at 887-3980.

Very truly yours,

Steven L. Stewart
Program Supervisor
Environmental Impact Review

SLS:GCS:bm

cc: Mr. Paul Dennis

ANTON/EIR

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

MEETING OF NOVEMBER 15, 1993

Property Owner: (Case #94-125-AA)
Location:
Item No.: 124

Property Owner: Eastpoint Partners Limited Partnp.
Location: #7800 Eastern Avenue, EPM
Item No.: # 191 (RT)

Property Owner: Towson Family YMCA
Location: #600 West Chesapeake Avenue
Item No.: # 192 (JRA)

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Approved: *Robert Sauerwald*
Fire Prevention Bureau
Lieutenant R. Sauerwald (887 4880)

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on Recycled Paper

NOTICE OF REASSIGNMENT

Rescheduled from 11/22/93 and 12/1/93
CASE NUMBER: 94-125-AA (Item 124)
1 Merry Hill Court
SW and Merry Hill Court, 165' W of Anton North Way
3rd Election District - 2nd Councilmanic
Petitioner(s): William Hirschfeld and Loretta Hirschfeld

Variance to permit a dwelling to property line setback of 35 feet in lieu of the required 50 feet; and to amend the 3rd Amended Final Development Plan of Anton North, Section 11, for lot 15.

HEARING: THURSDAY, DECEMBER 28, 1993 at 9:00 a.m. in Rm. 110, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Mr. & Mrs. William Hirschfeld
Jeffrey H. Scherr, Esq.
Deborah C. Hopkin, Esq.
Levin/Brown Architects

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on Recycled Paper

NOTICE OF REASSIGNMENT

CASE NUMBER: 94-125-AA (Item 124)
1 Merry Hill Court
SW and Merry Hill Court, 165' W of Anton North Way
3rd Election District - 2nd Councilmanic
Petitioner(s): William Hirschfeld and Loretta Hirschfeld

Variance to permit a dwelling to property line setback of 35 feet in lieu of the required 50 feet; and to amend the 3rd Amended Final Development Plan of Anton North, Section 11, for lot 15.

HEARING: FRIDAY, DECEMBER 1, 1993 at 9:00 a.m. in Rm. 110, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: William and Loretta Hirschfeld
Levin/Brown Architects
Terry Halle

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on Recycled Paper

Merry Hill Property Owners

1. Mr. and Mrs. James Crystal
8613 Park Heights Avenue
Stevenson, Maryland 21153
2. Mr. and Mrs. Terry Halle
8607 Park Heights Avenue
Stevenson, Maryland 21153
3. Mr. and Mrs. David Halle
8609 Park Heights Avenue
Stevenson, Maryland 21153
4. Mr. and Mrs. Jack Stoloff
8605 Park Heights Avenue
Stevenson, Maryland 21153
5. Dr. and Mrs. Edward Wallach
8601 Park Heights Avenue
Stevenson, Maryland 21153
6. Dr. and Mrs. Peter Zucker
8209 Arodene Road
Baltimore, Maryland 21208

Gwen, 10/26
Jim Crystal
called - 94-125A was
posted wrong 1/4 mile from
15 Merry Hill Ct.
Anton North - Sect 2 -

Car!

Have wait check out
ASAP.

Notify New Date:
TERRY HALLE
8607 PARK HEIGHTS AVE
STEVENSON, MD. 21153
486-6357

LEVIN/BROWN & ASSOCIATES, INC. & ARCHITECTS
15 GREENSPRING VALLEY ROAD
OWINGS MILLS, MARYLAND 21117
TELEPHONE: (410) 581-0104
FAX NUMBER: (410) 581-0108

FACSIMILE TRANSMITTAL

Total number of pages being sent including Cover Sheet 2.

Date of Telecopy: October 27, 1993

Delivery of the following pages:

To: Ms. Gwen Stephens

Company: Baltimore County Office of Zoning
Administration & Development Management

Fax Phone: 887-5708 PROGRAM ()

This telecopy is being sent by: Mark D. Levin, AIA

Job reference: Case No. 94-125-AA - HIRSHFELD - William & Loretta
1 Merry Hill Court

Comments:

RECEIVED
OCT 28 1993
ZADM

* CONFIRMATION OF RECEIPT OR IF ALL PAGES HAVE NOT BEEN
RECEIVED, PLEASE CONTACT US AT: (410) 581-0104

Levin/Brown & Associates, Inc.

October 27, 1993

Ms. Gwen Stephens
Baltimore County Office of Zoning
Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 94-125-AA (Item 124)
1 Merry Hill Court - Southwest/N Merry Hill Ct.,
165' W. West of Anton North Way
Third Election District, 2nd Councilmanic
Partitioners: William & Loretta HIRSHFELD
Hearing: Tuesday, November 2, 1993 @ 11:00 A.M. in
Room 118 (Old Court House)

Dear Ms. Stephens,

As you are aware, there has been an error in the zoning petition concerning the address noted as 15 Merry Hill Court, which is in reality 1 Merry Hill Court. In addition, the sign was posted on the wrong property. On behalf of the partitioner, we wish to have the hearing rescheduled and the property reposted in accordance with the corrected information.

Please therefore effect this requested change and notify all appropriate parties.

We will resubmit the petition and zoning plat.

Truly,

Mark D. Levin
Mark D. Levin, AIA
LEVIN/BROWN & ASSOCIATES, INC.

cc: Mr. & Mrs. William Hirschfeld

(3293105)

15 GreenSpring Valley Road
Owings Mills, Maryland
21117-4001
(410) 581-0104

RECEIVED
OCT 28 1993
ZADM

LAW OFFICES
ROSOLIO, SILVERMAN & KOTZ, P.A.
SUITE 200, NOTTINGHAM CENTRE
500 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE: 410-549-2900
FAX: 410-549-2907

November 18, 1993

HAND DELIVERY
Arnold Jablon, Esquire, Director
Zoning Administration and
Development Management
Baltimore County Government
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case Number: 94-125AA
Zoning Item Number: 124

Dear Mr. Jablon:

This firm has been retained in the above captioned matter to represent six adjoining property owners, who wish to appear as protestants. The names and addresses of each are attached. The hearing is now scheduled for December 3, 1993 at 9:00 a.m. Please enter my appearance on behalf of the protestants.

This is to request a postponement of that hearing. My husband and I will be out of the country from November 29th until December 15th. Therefore, I would appreciate it if you would reschedule the hearing anytime after December 16th. If I can provide you with additional information, I would be happy to do so.

Thank you for your consideration of this matter. I would appreciate your notifying me of the new hearing date.

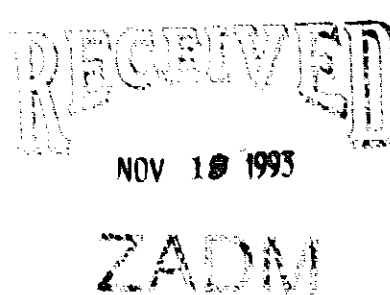
Very truly yours,

ROSOLIO, SILVERMAN & KOTZ, P.A.

Deborah C. Dopkin

DCD/kmc

cc: Mr. and Mrs. James Crystal
Jeffrey H. Scherr, Esquire
Mr. Jay I. Brown



LAW OFFICES
KRAMON & GRAHAM, P.A.
SUITE 200, NOTTINGHAM CENTRE
500 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE: 410-549-2900
FAX: 410-549-2907

November 22, 1993

VIA HAND DELIVERY

Arnold Jablon, Esquire, Director
Zoning Administration and
Development Management
Baltimore County Government
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case Number: 94-125AA
Zoning Item Number: 124

Dear Mr. Jablon:

I have been retained to represent the Petitioners in the above-referenced variance case. Accordingly, please enter my appearance on their behalf.

I am in receipt of Ms. Dopkin's letter of November 18, 1993 entering her appearance on behalf of six adjoining property owners and requesting a postponement.

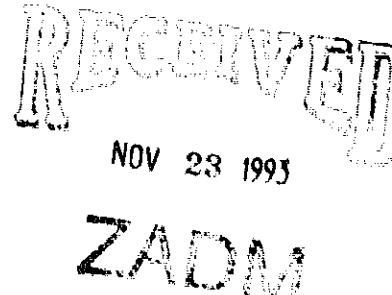
I have no objection to such postponement. I will assume, therefore, that you will reschedule the matter to accommodate Ms. Dopkin's schedule. I would appreciate, however, that the matter be rescheduled for the earliest mutually convenient day for Ms. Dopkin and myself.

Sincerely,

Jeffrey H. Scherr

JHS:kts

cc: Mr. and Mrs. William Hirshfeld
Jay I. Brown, AIA
Deborah C. Dopkin, Esquire



LAW OFFICES
ROSOLIO, SILVERMAN & KOTZ, P.A.
SUITE 200, NOTTINGHAM CENTRE
500 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE: 410-549-2900
FAX: 410-549-2907

December 17, 1993

Arnold Jablon, Esquire, Director
Zoning Administration and
Development Management
Baltimore County Government
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case Number: 94-125AA
Zoning Item Number: 124

Dear Mr. Jablon:

This letter is intended to amend my letter to you of November 18, 1993. Though I continue to represent five property owners adjoining or in close proximity to the property that is the subject of the petition, I wish to advise you that my appearance no longer includes Dr. and Mrs. Peter Zucker (whose address is 8209 Ardene Road, Baltimore, Maryland 21208). It is my understanding that Dr. and Mrs. Zucker will however appear at the hearing on December 28, 1993 as protestants. I would appreciate your noting the file to reflect this change.

Very truly yours,

ROSOLIO, SILVERMAN & KOTZ, P.A.

Deborah C. Dopkin

DCD/kmc

cc: Mr. and Mrs. James Crystal
Jeffrey H. Scherr, Esquire
Dr. & Mrs. Peter Zucker

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: Deborah C. Dopkin
Jay I. Brown
William Hirshfeld

ADDRESS

111 West Chesapeake Avenue
Towson, Maryland 21204
8209 Ardene Road
Baltimore, Maryland 21208

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

Deborah C. Dopkin
Peter H. Zucker

ADDRESS

111 West Chesapeake Avenue
Towson, Maryland 21204
8209 Ardene Road
Baltimore, Maryland 21208

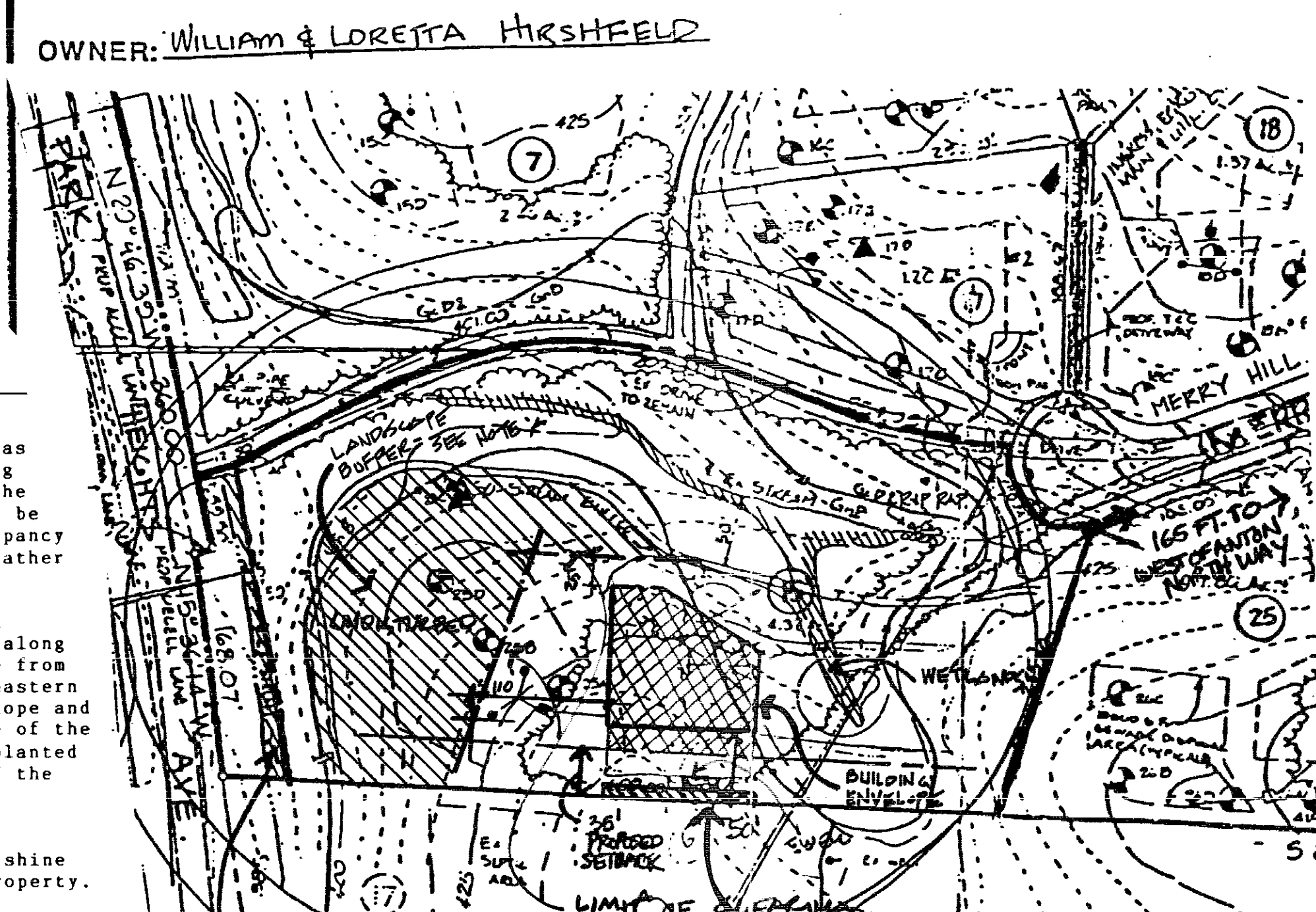
Plat to accompany Petition for Zoning ☒ Variance ☐ Special F.

PROPERTY ADDRESS: 10 MERRY HILL COURT

Subdivision name: ANTON NORTH SECTION TWO

Plat book # 51, folio # 28, lot # 15, section # 2

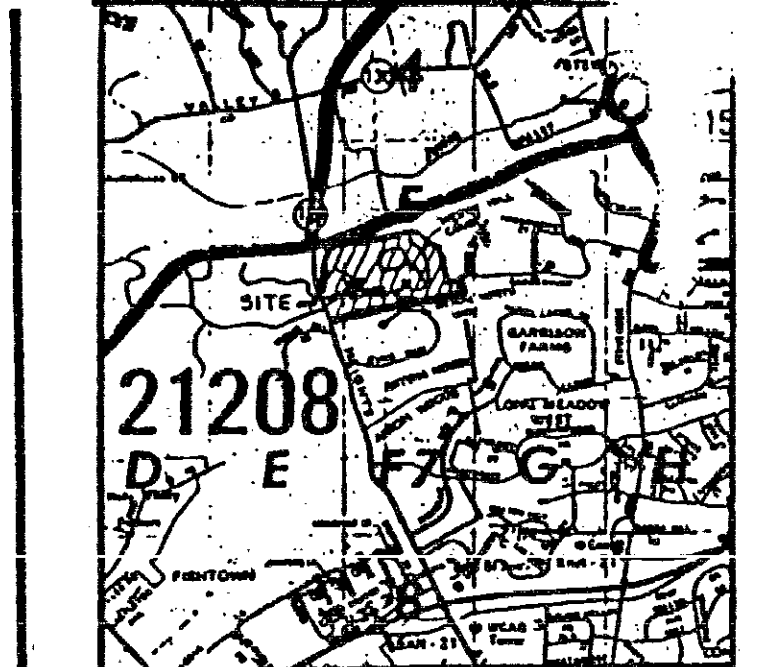
OWNER: WILLIAM & LORETTA HIRSHFELD



Notes:
A. Dense year round green buffer 4'-6' o.c. planted as close to limits of clearing as possible or closer to the house if owner desires, to be planted no later than occupancy of the house, season and weather permitting.
B. Dense year round green buffer 4'-6' o.c. planted along the southern property line from a point beginning at the eastern edge of the building envelope and ending at the western edge of the building envelope, to be planted no later than occupancy of the house, season and weather permitting.
C. House lights will not shine onto southern neighbors property.

North
date: 9-16-93
prepared by: LEVIN/BROWN & ASSOC.

see pages 5 & 6 of the CHECKLIST for additional required



LOCATION INFORMATION

Councilmanic District: 2ND

Election District: 3

1"=200' scale map: N.W. 10-F

Zoning: R.C-5

Lot size: 4.32 acreage

square feet

SEWER: ☐ ☒

WATER: ☐ ☒

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

124

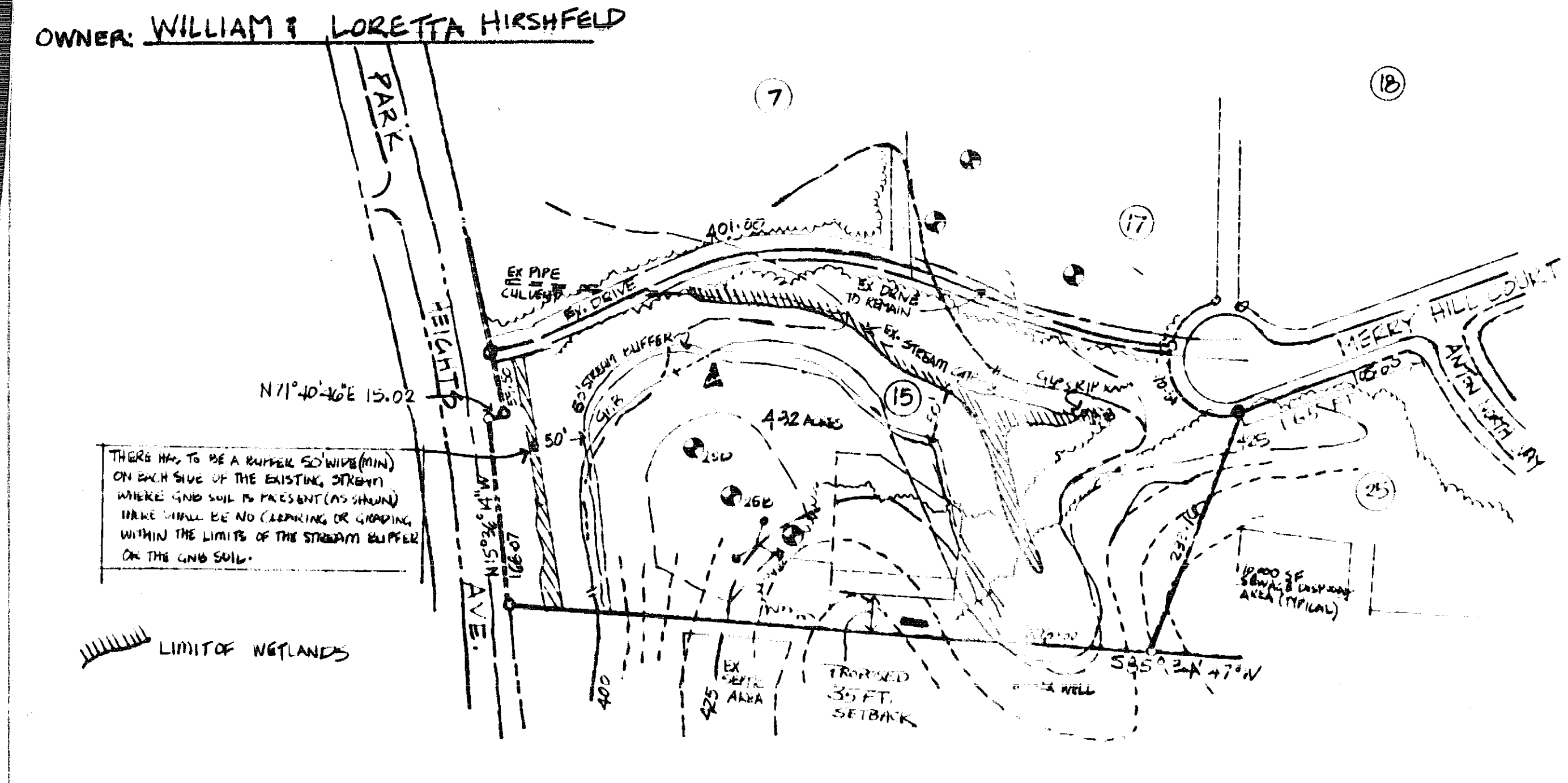
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 10 MERRY HILL COURT

Subdivision name: ANTON NORTH SECTION II

Plat book # 51, folio # 28, lot # 15, section # 2

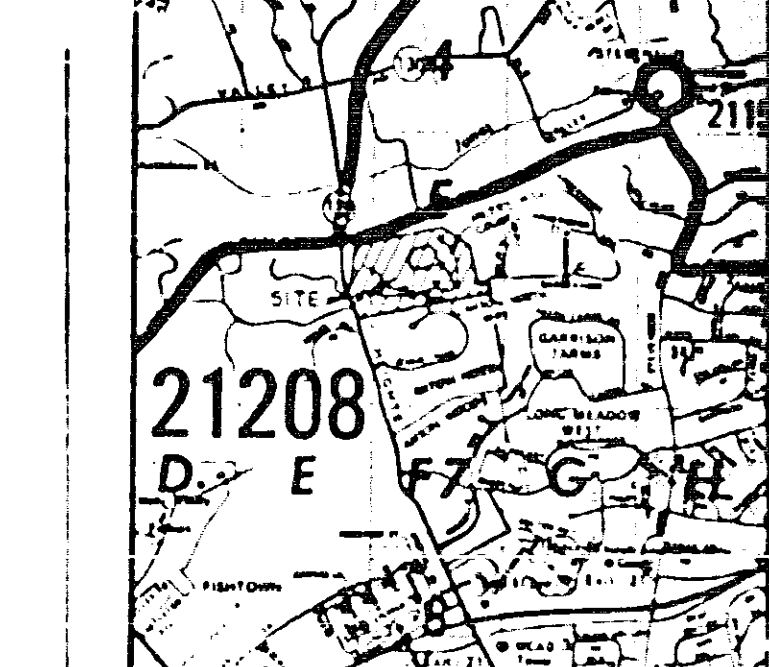
OWNER: WILLIAM & LORETTA HIRSHFELD



Notes:
A. Dense year round green buffer 4'-6' o.c. planted as close to limits of clearing as possible or closer to the house if owner desires, to be planted no later than occupancy of the house, season and weather permitting.
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C. House lights will not shine onto southern neighbors property.

North
date: 9-16-93
prepared by: LEVIN/BROWN & ASSOC.

see pages 5 & 6 of the CHECKLIST for additional required



LOCATION INFORMATION

Councilmanic District: 2ND

Election District: 3

1"=200' scale map: N.W. 10-F

Zoning: R.C-5

Lot size: 4.32 acreage

square feet

SEWER: ☐ ☒

WATER: ☐ ☒

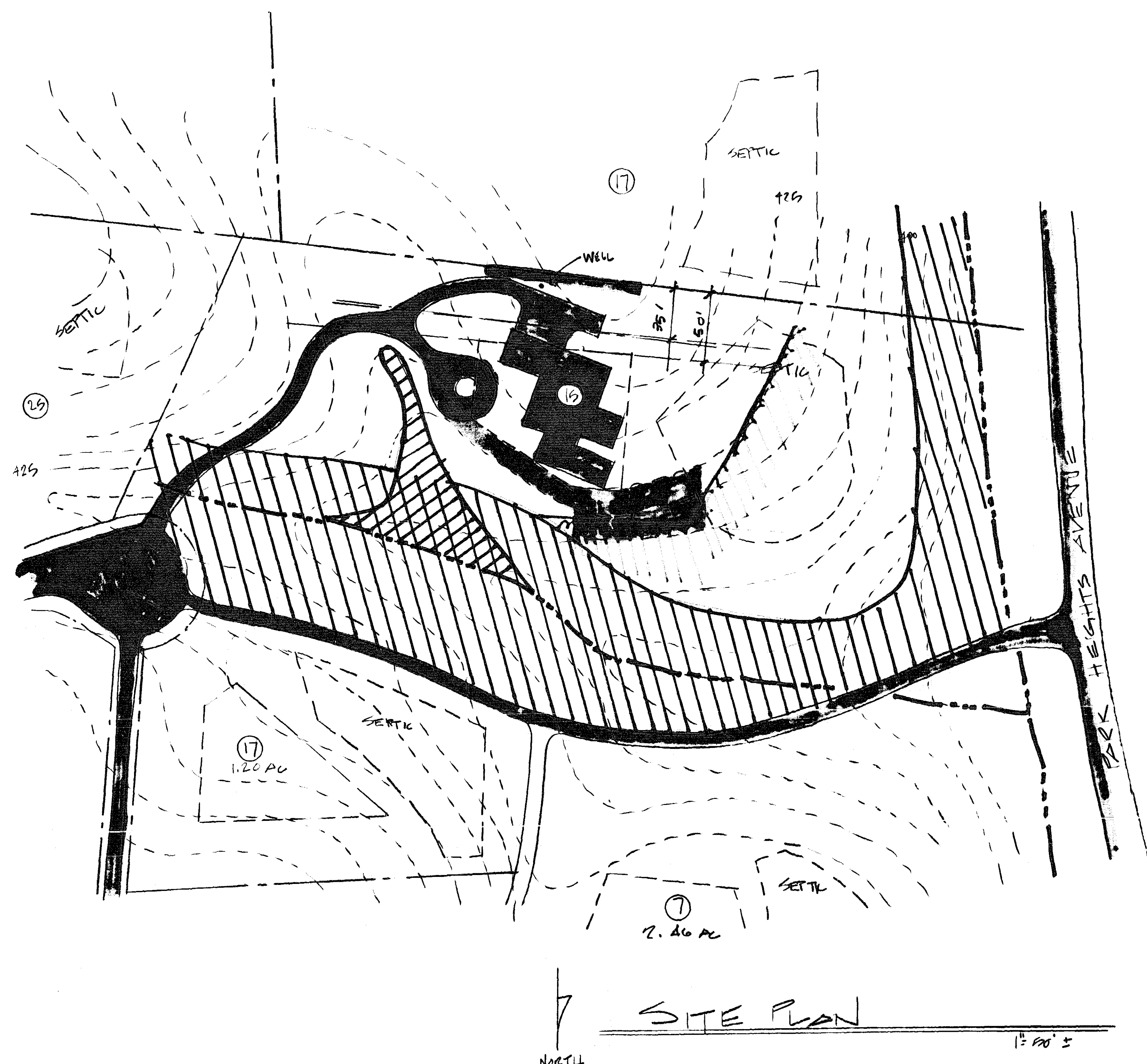
Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

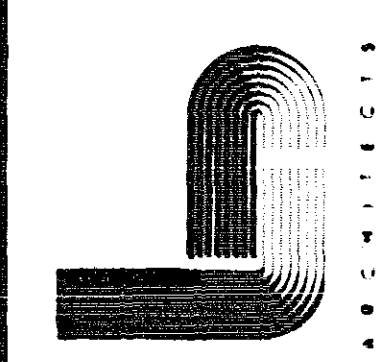
124



- EXIST. FENCE
- STREAM BUFFER
- DELINEATED WETLANDS
- PROPOSED RESIDENCE
- EXIST. DRIVE
- EXIST. LANDSCAPE BUFFER
- LANDSCAPE BUFFER

SITE DEVELOPMENT PLAN

Levin/Brown & Associates, Inc.
 15 Greening Valley Road
 Greening Valley, Maryland 21117-4101
 410.581.0104



ARCHITECTS

sheet no.

D2

